

Application No. 10/636,178
Response to 29 December 2004 Final Office Action

REMARKS

Claims 29-41, 45-53, 55-61, and 63-66 are pending, claims 1-28 having been previously canceled. By this Amendment, claims 42-44, 54, and 62 are canceled and claims 29, 32, 48, 53, 55-56, 58, and 61 are amended.

Respective claims 53 and 61 are amended to include the limitations of canceled and allowable claims 54 and 62. Claim 61 is also amended to inferentially recite "a cross-sectional area of said top panel portion" and "a cross-sectional area of said ventilating portion."

Claim 29 is amended to recite "discrete air passages" in place of "separate air passages," the former limitation previously recited in claim 29.

Claim 32 is amended to depend from claim 30 rather than from claim 29.

Claim 48 is delete redundant "the area of" when reciting "said venting device air flow area."

Claim 55 is amended to grammatically and correctly recite "comprises" in place of "comprise."

Claim 56 is amended to grammatically and correctly recite "portion" in place of "portions."

Claim 58 is amended to recite "a three-ply material" rather than "said three-ply material," the latter limitation having no antecedence and to recite "said three-ply material comprising a pair of outer plies and an intermediate ply disposed between said outer plies," which has support, e.g., at page 8, line 3 et seq. of the specification.

Application No. 10/636,178
Response to 29 December 2004 Final Office Action

No new matter has been added by the amendments to the pending claims. In view of the foregoing amendments to the claims, reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. § 112

Claim 62 is rejected under 35 U.S.C. § 112, ¶ 2 as indefinite, the rejection asserting insufficient basis for "said top panel airflow [cross] section and said ventilating portion air flow cross section" in lines 1-2. Applicants respectfully traverse this rejection. However, in order to advance the prosecution of this Application, claim 62 is canceled. The limitations of claim 62 are now included in claim 61, in which the foregoing limitations are recited inferentially. In view of the amendments to claim 61 and cancellation of claim 62, reconsideration and withdrawal of the rejection are respectfully requested.

35 U.S.C. § 102

Claims 42 and 44 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 5,704,834 ("Sells"). Applicants respectfully traverse this rejection. However, in order to advance the prosecution of this Application, claims 42 and 44 are canceled and the rejection is deemed moot. In view of the cancellation of claims 42 and 44, reconsideration and withdrawal of the rejection are respectfully requested.

Application No. 10/636,178
Response to 29 December 2004 Final Office Action

35 U.S.C. § 103

Claim 43 is rejected under 35 U.S.C. § 103(a) as obvious over Sells, in view of U.S. 5,934,995 ("Morris et al."); claims 53, 55-61, and 63-66 are rejected under 35 U.S.C. § 103(a) as obvious over Morris et al., in view of U.S. 6,308,472 ("Coulton et al."); and claims 53, 55-61, and 63-66 are rejected under 35 U.S.C. § 103(a) as obvious over Morris et al., in view of U.S. 5,022,314 ("Waggoner"). Applicants respectfully traverse these rejections. However, in order to advance the prosecution of this Application, claim 43 is canceled; claim 53 is amended to include the limitations of allowable claim 54; and claim 61 is amended to include the limitations of allowable claim 62. In view of the foregoing amendments, claims 53 and 61 are submitted to be in condition for allowance. The other rejected claims depend directly or indirectly from claim 53 or claim 61. Therefore, the other rejected claims are submitted to be in condition for allowance as well. In view of the foregoing, reconsideration and withdrawal of the rejections are respectfully requested.

Double Patenting

The Office Action rejected claims 29-41 under the judicially created doctrine of obviousness-type double patenting over claims 1-18 of U.S. 6,450,882 and claims 1-23 of U.S. 6,623,354. Applicants respectfully traverse this rejection. However, in order to advance the prosecution of this Application, a Terminal Disclaimer is submitted herewith. In view of the submitted Terminal Disclaimer, reconsideration and withdrawal of the rejection are respectfully requested.

Application No. 10/636,178
Response to 29 December 2004 Final Office Action

Allowable/Allowed Claims


The Office Action stated that claim 54 is deemed allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims; claim 62 is allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, ¶ 2, and to include all the limitations of the base claim and any intervening claims; and allowed claims 45-52. For reasons stated above, all claims are submitted to be in condition for allowance.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


Wm. Larry Alexander, Ph.D.
Registration No. 37,269

Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5757